

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v. Case No. 2:07-CR-20052-001

PHILLIP A. PRENDERGAST

DEFENDANT

ORDER FOR REMISSION OF FINE

Now on this 22nd day of August, 2012, comes on to be considered the United States' Petition for Remission of Fine (doc. 27). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On April 8, 2008, Defendant was sentenced to 65 months incarceration, 3 years supervised with anticipated deportation, a \$100 special assessment, and a \$2,500.00 fine. The United States has collected \$369.22 while the defendant was incarcerated in the Bureau of Prisons leaving a balance due of \$2,230.78 on the fine.

2. The United States moves to remit Defendant's fine pursuant to 18 U.S.C. § 3573, which provides:

Upon petition of the Government showing that reasonable efforts to collect a fine... are not likely to be effective, the court may, in the interest of justice - -

1) remit all or part of the unpaid portion of the fine or special assessment, including interest and penalties. This statute shall apply to all fines and assessments, irrespective of the date of imposition."

3. The United States states that the Defendant was

deported on February 29, 2012, and that there is no reasonable likelihood that the fine can be collected.

4. Upon due consideration, the United States' Petition for Remission of Fine is hereby granted and Defendant's fine is remitted.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge